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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,116	08/10/2005	Mark Bigley	4990-106 US	9475

26817 7590 06/22/2007  
MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A.  
29 THANET ROAD, SUITE 201  
PRINCETON, NJ 08540

EXAMINER

MENEZES, MARCUS

ART UNIT	PAPER NUMBER
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3677

MAIL DATE	DELIVERY MODE
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06/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,116	<b>Applicant(s)</b> BIGLEY ET AL.	
	<b>Examiner</b> Marcus Menezes	<b>Art Unit</b> 3677	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8,10,11,13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

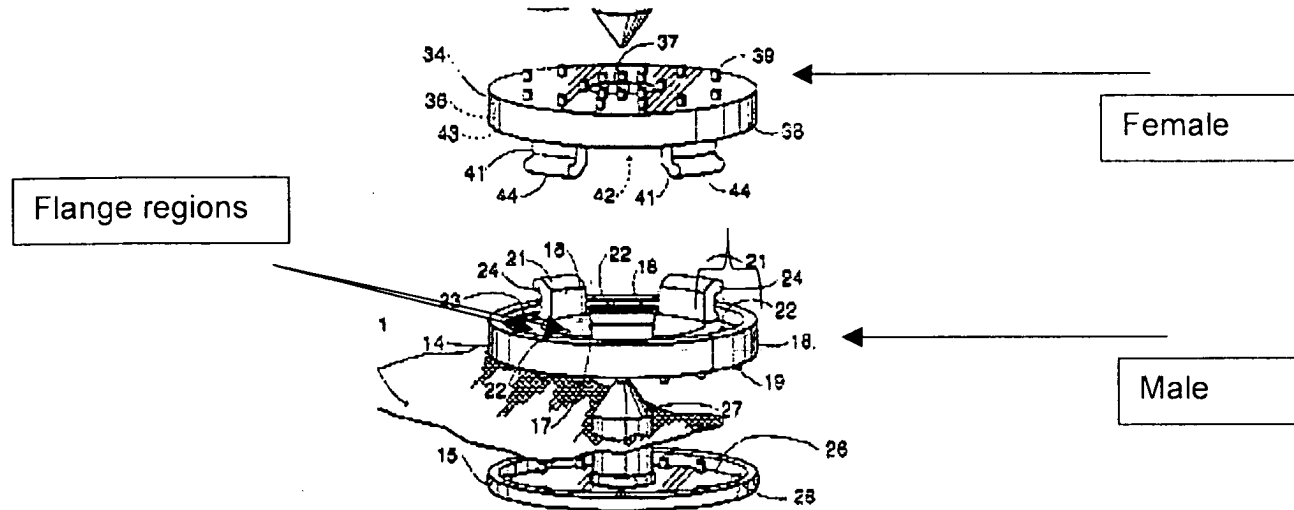
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-6,10,13,15 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lyle et al. (US 2002/0029444).

Lyle discloses a male stud of a snap fastener comprising a male portion (18,21) for cooperating with a female portion in use, the male portion comprising a continuous radially protruding flange (16) with a front face that in use engages said female portion (see figure 2 for engagement); said flange having regions of greater and lesser radial protrusion circumferentially spaced therein thereby to enable the proportion of the outer circumference of the flange front face that abuts said female portion in use to be predetermined. (See figure below).



Lyle further discloses a male stud of a snap fastener, for cooperating with a female stud in use, said male stud having a flange portion (16) and a male portion (18,21), said male portion comprising a plurality of circumferentially extending engaging portions (21), each engaging portion being separated from the next engaging portion by a circumferentially extending non-engaging portion (22, and the areas in between the engaging portions 21); wherein the combination of engaging and non engaging portions provide a cylindrical or annular shaped wall that extends from said flange.

Lyle further discloses a means for attaching (28) said male and female studs to fabric material.

Lyle further discloses that at least one engaging portion extends radially outwards, that the engaging portion is arcuate in shape and that the non engaging portion comprises a flat face (22) and an arcuate-shaped recess (area in between said engaging portions). Also disclosed is an attaching means comprising a rivet or post member (27).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyle.

Lyle discloses that the outer face of the engaging portions are inclined, but fails to disclose the range of inclination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a range that includes 13-23 degrees of inclination, preferably about 18 degrees, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Further, nothing new or unexpected is offered from this range.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lyle in view of Kawakami et al. (US 5933029).

Lyle discloses a post member, but fails to disclose that said post member is mushroom shaped. Kawakami et al. teaches of a similar post member that is mushroom shaped. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the teaching of the mushroom shaped post in Lyle in view of Kawakami et al. in order to provide a firmer

connection since the swelled head of the post causes the removable of said post within the button to be more difficult.

### ***Response to Arguments***

6. Applicant's arguments filed April 19, 2007 have been fully considered but they are not persuasive.

Applicant primarily argues that the "cylindrical wall (18) does not comprise resilient projections (21)." Applicant highlights this argument with discussion on independent flexibility of each element 21. However, the claims do not state that the male portion and engaging portions must be monolithic. The claims solely state that the male portion comprises of a plurality of engaging portions. Thus, elements 18 and 21 constitute the male portion, wherein element 21 is a part of the male portion.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Menezes whose telephone number is 571-272-6284. The examiner can normally be reached on 8:00am - 5:30pm M-F.

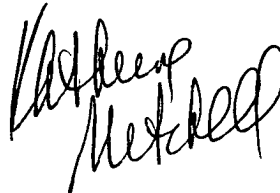
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus Menezes  
Examiner  
Art Unit 3677

MM

A handwritten signature in black ink, appearing to read 'Katherine Mitchell', written in a cursive style.

**Katherine Mitchell**  
**Primary Examiner**